UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,366	01/28/2002	Toshihiko Muramatsu	PW 0277035 H7609US	5213

27496 7590 05/22/2006

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O BOX 10500
McLean, VA 22102

EXAMINER	
NGUYEN, BINH AN DUC	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/058,366	MURAMATSU, TOSHIHIKO	
	Examiner	Art Unit	
	Binh-An D. Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5,14-16 and 20-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5,14-16 and 20-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Request for Continued Examination filed March 27, 2006 has been approved. The Amendment filed March 27, 2006 has been received. According to the Amendment, the claims 1 and 15 have been amended; and claims 2-4, 6-13, and 17-19 have been canceled. Currently, claims 1, 5, 14-16, and 20-23 are pending in the application. Acknowledgment has been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Wade et al. (US 2002/0165764).

Referring to claims 1 and 15, Wade et al. teaches a game playing system and method comprising: a game device (16, 20, 24) for allowing a player to play a prescribed game; a management server (28) that is connected to the game device so as to manage the game device and that stores a plurality of location data specifying a plurality of home pages of shopping sites providing prize information; and at least one shop server (32) handling the homepage of the shopping site providing the prize

information, wherein the game device performs a method comprising the steps of: transmitting a score (i.e., netstamps or points) of the prescribed game from the game device to the management server via the network (paragraphs 27 and 33; Fig.7); receiving from the management server one or more location data specifying one or more homepages of the shopping sites (advertisers, retailer, wholesaler or manufacturer)(paragraph 24), each of which provides the prize information selected in response to the score of the prescribed game (paragraphs 24-33 and Figs. 2, 5A, 4, 7, and 9); upon selection of the desired one of the location data provided online, displaying the homepage of the shopping site designated by the selected location data by the gaming device using browsing software; and upon selection of a commodity listed on the home page, transmitting the selection to the shop server handling the homepage of the shopping site (paragraphs 8-9, Fig.7). Note that, the win play points and net stamps teaches by Wade et al. are equivalent to the applicant's game scores.

Referring to claim 5, Wade et al. teaches the game device is installed in a home (home PC), or hall (see abstract and paragraph 24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14, 16, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade et al. (US 2002/0165764) in view of Bougaki Tetsuya (Publication No. 10-151266 or Japanese Patent No. JP410151266A).

Wade et al. teaches all limitations of claims 1, 5, and 15 above. Wade et al. further teaches a game playing system and method wherein the player uses a card (smart card 26) for payment required for game (paragraphs 32 and 34); and the player enters information allowing the shop server to provide a prize for a consideration of the score of the game; enters information allowing the shop server to provide a prize for a consideration of the score of the pachinko game (providing play points)(paragraphs 26-27). Wade et al. does not explicitly teach the limitations of the prescribed game is a pachinko game (claims 14, 16, 20, 21, and 23); a card having monetary value for playing the pachinko game (claim 22). Tetsuya, however teaches a gaming network comprising pachinko game machines which utilized monetary value of member cards for playing the pachinko game (see Detailed Description, paragraphs 1, 3, and 15-36).

Note that the limitation of game score is counted as a multiple of the number of balls that fall into a prescribed hole on a board (claim 16); a prescribed number of balls are distributed for the player to start a pachinko game and are sequentially shot onto a board, (claim 20); big hit providing the player with a special chance to gain a greater number of balls (claim 21) are inherently known from the pachinko or vertical pinball games.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made combine Wade et al.'s game playing system and method with

the pachinko gaming network, as taught by Tetsuya, to provide convenience in managing game account expense.

Response to Arguments

Applicant's arguments filed March 27, 2006 have been fully considered but they are not persuasive.

The applicant argued that Wade et al. does not disclose providing the game device with one or more location data specifying homepages of shopping sites (applicant's remarks, page 9, line 5 to page 10, line 1). The Examiner respectfully disagreed. Wade et al.'s system provides user with game playing capability and internet web site connection to purchase a variety of products (paragraphs 8-12). Thus, Wade et al. anticipates the one or more location data specifying homepages of shopping site claimed by the applicant.

The applicant argued that Wade et al. does not provide information in response to the score of the prescribed game (applicant's remarks, page 10, 1st full paragraph). The Examiner respectfully disagreed. The game playing system and method of Wade et al. provides the game players or members a list or catalog of different merchandises from different advertisers so that the players or members can exchange different points (game points, credits, netstamps or coupons) for different types or merchandises. Note that, different players would have different points or credits to exchange for the merchandise. Further, the applicant's specification also discloses that the list of merchandise having monetary information representing upper limits of

process for good or services that the user can select by the score of the game (specification, page 11, 4th paragraph; page 20, 3rd paragraph). Thus, Wade et al. anticipate the prize information claimed by the applicant.

The applicant argued that Wade et al. does not disclose the limitation of "upon selection of the desired one of the location data provided online, displaying the homepage of the shopping site designated by the selected location data by the game device using browsing software" (applicant's remarks, page 10, last paragraph). The Examiner respectfully disagreed. Wade et al.'s system allows the users to play game and order different products via the web site (paragraphs 8-12, 26). Thus, Wade et al. clearly anticipates utilizing of the browsing software claimed by the applicant.

In response to applicant's arguments against the references individually (Applicant's remarks, page 11, first full paragraph), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Regarding the **applicant's arguments that Tetsuya does not provide the game device with one or more location data specifying one or more homepages of shopping sites, which provide prize information selected in response to the score of the prescribed game and upon selection of the desired one of the location data provided online, displaying the homepage of the shopping site designated by the selected location data by the game device using browsing software** (Applicant's remarks, page 11,

first full paragraph), this is deemed to be not persuasive since those limitation have been taught by Wade et al. as presented above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN

XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700